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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,075	11/01/2001	Kellner Jamie	3054-040	7428
22440	7590	05/04/2004	EXAMINER	
GOTTLIEB RACKMAN & REISMAN PC 270 MADISON AVENUE 8TH FLOOR NEW YORK, NY 100160601			LEE, MICHAEL	
			ART UNIT	PAPER NUMBER
			2614	3

DATE MAILED: 05/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/002,075

Applicant(s)

JAMIE ET AL.

Examiner

M. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-4, 20-23, 29-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1, 20, the term "said alternative audio tracks" lacks proper antecedent basis.

In claim 29, term "said SAP indication signal" lacks proper antecedent basis.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 5, 8-13, 15-17, 20, 24, 27-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Kufra et al. (4,688,252).

Regarding claim 1, Kufra discloses a TV SAP/STEREO system showing a tuner 10 for receiving composite video signal, a SAP indication signal (col. 2, lines 26-49), a main audio channel, and a SAP audio channel (col. 1, lines 8-14), a DC switch 22 for switching in between SAP audio and main channel audio based on the SAP indication signal, which meets the selector as claimed, and an amplifier 24 for outputting the

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selected audio signal, which meets the output circuitry as claimed. It should be noted that the SAP carrier level in Kufta indicates or describes the signal contents of the SAP signal, either weak, strong, or not a SAP signal.

Regarding claim 5, in addition of above, the user controls the switch 74 to have the system to output preferably either a SAP or stereo audio, which in turn controls DC switch 22.

Regarding claims 8, 9, the SAP carrier or carrier level in Kufta meets the SAP indication signal as stated above.

Regarding claim 10, in addition of above, Kufta inherently includes the broadcasting apparatus as claimed, and the plurality of video processors as shown in the sole Figure and rejection to claim1.

Regarding claims 11 and 12, SAP signal is a combination of audio signal and a carrier or pilot.

Regarding claim 13, Kufta is intended to receive many different television channels. Therefore, the DC switch 22 is intended to switch different audio signals adaptively.

Regarding claim 15, in addition of above, the television receiver in Kufta is intended to use by many.

Regarding claims 16 and 17, the circuit as illustrated in the sole Figure is an automatic selector.

Regarding claim 20, in addition of above, Kufta further shows display 13 and speakers 26 and 28.

Regarding claim 24, see rejection to claim 5.

Regarding claim 27, see rejection to claim 1.

Regarding claim 28, a SAP signal is an audio modulated carrier signal.

Regarding claim 29, see rejection to claim 1.

Regarding claims 30-32, the main audio channel and the SAP audio channel in Kufta are intended to transmit different kinds of audio signals. The claimed audio signals for transmission are considered an intended use of Kufta's invention.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-4, 6, 7, 14, 18, 19, 21-23, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kufta et al. (4,688,252) in view of Ryu (5,442,452).

Regarding claims 2, 3, Kufta does not specify the memory used for storing a viewer's preferences as claimed. Ryu, from the similar field of endeavor, teaches a memory for storing sound mode data for a plurality of television channels in accordance with a user's selections (col. 3, line 65, to col. 5, lines 28-33). By retaining user selected preference values in a memory, a user preferred sound mode could be conveniently presented to the user every time a desired channel is selected. Without such feature, sound mode or audio language selection in Kufta has to be carried out manually in

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every selected channel every time. Hence, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to include a sound mode storing feature of Ryu into Kufta so that a user would not have to perform the audio channel selection operation every time a desired channel is selected.

Regarding claim 4, the remote controller 7 in Ryu meets the control device as claimed.

Regarding claims 6 and 7, see rejections to claims 2 and 3.

Regarding claim 14, Kufta does not specify the remote control as claimed. Ryu teaches the claimed remote control. By using a remote control, the user can conveniently enter selection from a distance. Hence, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to include a remote control device into Kufta so that the switch 74 could be remotely controlled.

Regarding claims 18 and 19, see rejections to claims 2 and 3.

Regarding claims 21 and 22, see rejections to claim 2 and 3.

Regarding claim 23, see rejection to claim 4.

Regarding claims 25 and 26, see rejections to claims 2 and 3.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Motoyama (4,920,416) shows a SAP detector.

Ichino (5,440,351) shows a memory.

Sugai et al. (4,703,501) shows a logic circuit.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Lee whose telephone number is **703-305-4743**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **John Miller**, can be reached at **703-305-4795**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

**(703) 872-9306 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



**M. Lee  
Primary Examiner  
Art Unit 2614**

May 1, 2004